

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLAGSTAR BANK

Plaintiff,

CIVIL ACTION NO. 05-CV-70950-DT

vs.

DISTRICT JUDGE LAWRENCE P. ZATKOFF

**FEDERAL INSURANCE COMPANY,
et al,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT FEDERAL'S
MOTION TO COMPEL (DOCKET # 27)**

On January 10, 2006 Defendant Federal filed a Motion to Compel. Plaintiff responded to this motion on February 2, 2006 and Defendant Federal filed its reply on February 13, 2006. District Court Judge Lawrence P. Zatkoff referred this motion to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). All parties appeared through counsel for oral arguments on March 29, 2006. This motion is now before this Court.

* * * * *

Pursuant to Federal Rules of Civil Procedure, Rule 33(a) Defendant Federal served Plaintiff with written Interrogatories on September 1, 2005. (Def.'s Mot. to Compel at Ex. B, D). Defendant Federal seeks an order compelling Plaintiff to produce substantive responses to these Interrogatories. Plaintiff alleges that it responded to all of Defendant Federal's Interrogatories. Upon consideration of the parties' motions and briefs, and the oral arguments presented, the Court does **GRANT IN PART AND DENY IN PART** Defendant Federal's Motion

to Compel.

The Court **DENIES** Defendant Federal's Motion to Compel as to Interrogatories numbered 4 and 5 as the Interrogatories are improper in form and ask for speculation.

The Court **GRANTS** Defendant Federal's Motion to Compel as to Interrogatories numbered 1, 2, 3, 6, 7 and 8. The Court orders Defendant to supplement or amend its responses to said Interrogatories on or before **April 14, 2006** as follows and in a manner consistent with the discussion of record:

Interrogatories numbered 1, 2 and 3:

Plaintiff will supplement or amend its responses by specifically identifying all records that are responsive to these Interrogatories pursuant to the requirements contained within Federal Rules of Civil Procedure, Rule 33(d).

Interrogatory number 6:

Plaintiff will amend or supplement its response to answer the Interrogatory to the extent that it does not ask for a legal conclusion.

Interrogatories numbered 7 and 8:

Plaintiff will supplement or amend its responses to state the facts of which it is currently aware and which are responsive to these Interrogatories

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff will amend or supplement its written responses to Defendant Federal's Interrogatories numbered 1, 2, 3, 6, 7 and 8 in a manner consistent with that stated above.

IT IS FURTHER ORDERED that Plaintiff will forward said amended or supplemented written responses to Defendant Federal on or before **April 14, 2006** in a manner consistent with the discussion above.

IT IS SO ORDERED.

Notice to the Parties

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: 03/31/06

s/ Mona K. Majzoub
MONA K. MAJZOUR
UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this order was served upon Counsel of Record on this date.

Dated: 03/31/06

s/ Lisa C. Bartlett
Courtroom Deputy